

9/22/06
LD

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DONALD E. MCNEAL

PLAINTIFF

v.

NO. 4:04CV258-D-B

SUPERINTENDENT DONALD CABANA, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated January 23, 2006, and the February 3, 2006, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated January 23, 2006, is hereby approved and adopted as the opinion of the court.
2. That the instant complaint under 42 U.S.C. § 1983 is hereby **DISMISSED** for failure to exhaust administrative remedies.
3. That this case is **CLOSED**.

THIS, the 22nd day of September, 2006.

/s/ Glen H. Davidson
CHIEF JUDGE